







## Appendix

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### DEFINITIONS OF "LEASE" AND "LEASEHOLD".

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#### 1. Law Dictionaries.

*Abbott's Law Dictionary:*

"Leasehold. Any interest in land less than freehold might be so called; but, in practice, the word is generally applied to an estate for a fixed term of years."

*Anderson's Law Dictionary:*

"Leasehold. An estate in land for a fixed term of years."

*Bouvier's Law Dictionary* (Rawle's 3d Rev.):

"Leasehold. The estate held by virtue of a lease. In practice the word is generally applied to an estate for a fixed term of years."

*Byrne's Law Dictionary:*

"Lease. A lease is in effect a conveyance or grant of the possession of property (generally but not necessarily land or buildings) to last during the life of a person, or for a term of years or other fixed period, or at will, and usually with the reservation of a rent. Leases for a life or lives are comparatively rare, and when a lease is spoken of, *prima facie* a lease for years is meant.

Leaseholds are lands held under a lease for years."

*Rapalje and Lawrence's Law Dictionary:*

“Leaseholds. Lands held under a lease for years.”

**2. English Dictionaries.**

*Chambers' English Dictionary:*

“Lease. A contract letting a tenement for a term of years \* \* \*.”

*Chambers' Etymological Dictionary:*

“Lease. n. A loosing or letting of tenements for a term of years; the contract for such letting; any tenure.—v.t. To let for a term of years.”

*Encyclopedic Dictionary:*

“Lease. I. Literally: 1. A demise, conveyance, or letting of lands, tenements, or hereditaments for a term of years, at a certain specified rent or payments. 2. The document or deed by which lands, tenements, or hereditaments are leased. 3. The time for which lands, etc., are let under a lease. II. Fig.: Any tenure or holding; duration; time allotted.”

*Funk & Wagnall's New Standard Dictionary:*

“Lease. 1. A contract for the possession and profits of lands for a determinate period, less than the time for which the lessor holds the same, in consideration of a recompense of rent.

‘An estate for years \* \* \* is one that is created by a contract, technically called a lease, whereby one man, called the lessor, lets to another, called the lessee, the possession of lands or tenements for a term of time fixed and agreed upon by the parties to the same.’ Emory Washburn, Am. Law of Real Property, vol. i, bk. i, p. 384.”

“Leasehold. An interest in lands held as a dependent tenure by virtue of a lease **for a term.**”

*March's Thesaurus Dictionary:*

“Lease. A contract for the possession and profits of lands, etc., for a determinate period; the document for this.”

*Murray's New English Dictionary:*

“Lease. 1. A contract between parties, by which the one conveys lands or tenements to the other for life, for years, or at will, usually in consideration of rent or other periodical compensation. \* \* \*

The grantor of a lease is called the lessor, and the grantee, the lessee. In popular language, lease is usually confined to a conveyance by deed for a term of years.”

*The Oxford Dictionary:*

“Lease. a. A contract between parties, by which the one conveys land or tenements to the other for life, for years, or at will, usually in consideration of rent or other periodical compensation. \* \* \* In popular language lease is usually confined to a conveyance by deed for a term of years.”

*Skeat's Etymological Dictionary:*

“Lease. 1. To let tenements for a term of years.”

*The Universal English Dictionary:*

“Lease. v.t. To grant possession of lands or tenements for a term of years under a contract.

Lease. n. 1. Contract whereby possession of land or buildings etc. is granted by owner for **specified term of years**, usually subject to payment of rent. 2. The rights enjoyed under such a contract.

Leasehold. adj. Held on a lease; n. land etc. held on a lease **for a term of years.**"

*Webster's New International Dictionary:*

"Leasehold. n. A tenure by lease, or the land held; specif., land held as personality under a lease for years."

3. **Encyclopedias and Texts.**

35 *Corpus Juris* (Landlord and Tenant, Sec. 379)  
1139:

"The word 'lease' is used in various senses. It is sometimes applied to the term or estate created, sometimes to the written evidence of the term or estate, and again to the demise or conveyance by which the tenure or estate is created. \* \* \*

To 'lease' is to transfer, for a term specified **therein**, from the lessor to the lessee, the property therein demised; also to let; to farm out; to rent."

And, in Sec. 380, p. 1139 (n. 8), the following definitions are quoted:

"A contract by which one person \* \* \* divests himself or itself of, and another person takes possession of, lands or chattels **for a term.**"  
(Citing cases.)

"A contract between lessor and lessee, vesting in the latter a right to the possession of the land

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for a term of years." (Citing Tiedemann Real Prop., Sec. 538.)

*Nelson's Perpetual Loose Leaf Encyclopedia:*

"Leasehold. The estate of one who holds land under a lease for years."

*The New International Encyclopedia* (2d Ed.), vol.

XIII, pp. 678-9:

"Lease. The act or instrument whereby any estate in land less than a fee is created. **In its most extended sense** the term thus includes the conveyance of a life estate as well as the agreement which results in a tenancy for years, at will, or from year to year. **More frequently, however, it is applied to the writing (not usually a deed) or the parol declaration creating an estate for years, or leasehold, as it is technically called.**"

*Pitman's Commercial Encyclopedia*, vol. 3, p. 911:

"Leaseholds. Land held for a fixed term certain, as for a definite number of years, is known as a leasehold."

16 *Ruling Case Law* (Landlord and Tenant, Sec. 2)

531:

"\* \* \* As ordinarily employed, the word 'lease' implies a term and reversion to the owner of the land after its termination, and only a chattel interest passes. The term 'tenant' is, however, sometimes used in a broader sense so as to include 'one who holds or possesses lands or tenements by any kind of title, either in fee, for life, years or at will'."

*Schneider, California Real Estate Principles and Practices:*

“Estates for years. This is the estate quite generally designated as a lease.” (Ch. III, p. 15.)

“Regardless of the length of the term, the right of the tenant to use the leased premises is personal property, and his holding under a lease for a definite or determinate term is called a leasehold.” (Ch. XXIII, p. 440.)

*3 Thompson on Real Property* (Permanent Ed.)  
132, Sec. 1100:

“Definition and nature of lease. The instrument in writing creating the relation of landlord and tenant is termed a ‘lease’, and may be defined as a conveyance by the owner of an estate to another, of a portion of his interest therein for a term less than his own, usually in consideration of a stipulated rent to be paid by the grantee or lessee for the use and enjoyment of the premises, and passes a present interest in the land for the period specified. ‘A lease doth properly signify a demise or letting of land, etc., unto another for a lesser time than he that doth let it hath in it.’ ‘A lease when we mean thereby the instrument, is in legal language, an indenture of lease or a deed; and therefore Bacon and Cruise, and other authors treat of leases under the running or general title of deeds. But in common parlance, where it is said a man has a lease of property, nothing more is meant than that he has a term or estate for years in the premises, which may pass by deed or writing not under seal. The former is of itself a lease; the latter, only written evidence of one; and this distinction will be found in sev-

eral of the cases when the question has been whether the instrument did or did not require a stamp.' A lease is a grant of an estate in land for a limited term with conditions attached. It is not infrequently referred to as a contract between lessor and lessee granting unto the latter the right to the possession of specified land **for a term of years**, which becomes an estate on the reduction of the land to possession. \* \* \*''